HIGH COURT OF UTTARANCHAL, AT NAINITAL.

WRIT PETITION NO. 651 OF 2004 (M/S)

Committee of Management,
Uchchatar Madhyamik Vidhyalaya, Hat
Kalika, Bindukhatta, Nainital ……Petitioner.

Versus.

State of Uttaranchal & others … Respondents.

Dated: August 31, 2004

Counsel for the Petitioner K.N. Joshi Advocate

Hon. Rajesh Tandon J.

Heard the counsel for the parties.

By this Writ Petition the Petitioner has prayed for the issue of a writ, order or direction, in the nature of mandamus directing the respondent to pass necessary orders with regard to the approval of the Committee of the Management of the petitioner.

Briefly stated Uchatar Madhyamik Vidhalaya (Hat Kalika), Bindukhatta, Lalkuan Distt. Nainital (herein referred to as 'the institution') is a society registered under the Societies Registration Act having a Committee of Management to look after the affairs of the School run by the Society as per its Scheme of Administration.

Petitioner has submitted that the scheme of the administration framed by the institution shows the term of the committee of management for three years and as such on the tenure of the committee of management has expired on 27.10.2003.

On 29.9.2003 Petitioner has sent an intimation to the respondent no.3 regarding the resolution of the management dated 27.9.2003 and instead of initiating for electing new committee of management, Respondent no.3 on 8.10.2003 passed the order for appointing the respondent no5 as Authorised controller till the constitution of new committee of management.

Petitioner has submitted that he has made a representation but the same has not yet been disposed of, counsel for the petitioner has stated that the aforesaid representation also bears signature of 361 persons of village for constituting the new committee of management, The representation was also sent to the joint director of education.

Petitioner has also submitted that on 23.12.2003 the respondent no.4 i.e. District Education Officer was also informed about the constitution of new committee of management.

In the light of the aforesaid facts, respondents are directed to dispose of the representation of the petitioner within a period of 6 weeks from the filing the certified copy of the order.

Subject to the aforesaid, Writ Petition is disposed of. No order as to costs.

(Rajesh Tandon J.)

Dated. August 31, 2004

Dhyani